



U.S. Department of Justice
United States Attorney
Western District of New York

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PRESS RELEASE

October 28, 2005

**RE: UNITED STATES v. USA REMEDIATION SERVICES, INC.
COMPREHENSIVE EMPLOYMENT
MANAGEMENT INC. (CEM)
MARK JAMIESON, ROBERT BIRMINGHAM,
JOHN TONER and COREY SEAMON
(Westinghouse Facility Indictment)**

Acting United States Attorney KATHLEEN M. MEHLTRETTER announced today that **USA REMEDIATION SERVICES, INC.** of Warrenton, Va. has pled "Nolo Contendere" (No Contest) to an Indictment which charged the company with a felony violation of the Clean Air Act and participation in a Conspiracy to violate the Clean Air Act. The Indictment alleged that the company and its employees undertook the illegal dry removal of asbestos under Title 42, Section 7413(c) and conspired to do so. Earlier this year (May, 2005), **MARK JAMIESON**, age 41 of Waterville, NY, a supervisor for USA Remediation, pled guilty to a felony violation of the Clean Air Act, namely the illegal dry removal of asbestos under Title 42, Section 7413(c); and in March 2003, **ROBERT BIRMINGHAM**, age 35 of West Winfield, NY, also a supervisor for USA Remediation, pled guilty to the same felony violation. As part of their pleas of guilty, both **JAMIESON** and **BIRMINGHAM** agreed to testify at the trial of the remaining defendants. The Hon. John T. Elfvin, USDJ, sentenced **BIRMINGHAM** to 30 months incarceration and **JAMIESON** to 26 months incarceration.

In addition, **COREY SEAMON** pled guilty to committing perjury before the Grand Jury when he was called to testify about his participation in the dry removal as an employee of **USA REMEDIATION**. Both **USA REMEDIATION SERVICES, INC.** and **COREY SEAMON** will be sentenced by Judge Elfvin on February 3, 2006. **SEAMON** faces a term of imprisonment up to five years in jail, while **USA REMEDIATION** faces up to \$1,000,000 in fines. Trial of the remaining defendants, **COMPREHENSIVE EMPLOYMENT MANAGEMENT** and **JOHN TONER** has been adjourned to January 13, 2006.

Assistant U.S. Attorney Martin J. Littlefield stated that the Indictment charges the defendants with illegally removing asbestos from the former Westinghouse facility located at 4454 Genesee Street, Cheektowaga, New York (immediately adjacent to the Buffalo-Niagara Airport) in May 1999 when that building was being demolished for airport expansion. The Indictment alleges that **USA REMEDIATION SERVICES** was hired to remove the asbestos under established Federal work practice standards in order to avoid any asbestos fibers getting into the environment. Similarly, **COMPREHENSIVE EMPLOYMENT MANAGEMENT** was hired by the major contractor (Ontario Specialty Services) to ensure that the asbestos abatement by **USA REMEDIATION SERVICES** was done in full compliance with Federal statutes and regulations. **JOHN TONER** was an employee of **CEM** who was directly responsible with ensuring full compliance with the environmental statutes. **MARK JAMIESON** was the site superintendent for **USA REMEDIATION SERVICES** while **ROBERT BIRMINGHAM** was the foreman over the **USA REMEDIATION** workers. The Indictment alleges that the individuals and the corporations entered into conduct which specifically allowed for the illegal removal of over 25,000 linear

fee of asbestos during a three day period in May 1999. In addition, **JOHN TONER** is charged with making false statements because of his failure to affirmatively act upon and truthfully report the ongoing illegal asbestos removal to Federal authorities. **COREY SEAMON** is charged with lying before the Grand Jury when he was asked about his participation in the illegal dry removal of asbestos. It should be noted that the fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

The Indictment and pleas of guilty were the culmination of an investigation on the part of the United States Environmental Protection Agency, Criminal Investigation Division, under the direction of Special Agent In Charge William Lometti, in coordination and cooperation with the Occupational Safety Health Administration, Federal Bureau of Investigation, New York State Department of Environmental Conservation and the U. S. Department of Transportation (FAA), Office of Inspector General.

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